

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
V.)	CRIMINAL NO. SA-12-CR-102-OG
)	
ANTONIO PENA-ARGUELLES,)	
)	
Defendant.)	

**UNITED STATES OF AMERICA'S
MOTION FOR FINAL JUDGMENT OF FORFEITURE**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and files its Motion for Final Judgment of Forfeiture, pursuant to the provisions of Fed. R. Crim. P. 32.2(c)(2) and Title 21 U.S.C. §§ 853(n)(1-7), and in support thereof says the following:

I.

On March 31, 2014, Defendant Antonio Pena-Arguelles entered a written Plea Agreement (Doc. 55) to Count One of a Superseding Information (Doc. 53) returned against him, charging him with violations of Title 18 U.S.C. § 1956(h). The Superseding Information also included a Notice of Demand for Forfeiture pursuant to Title 18 U.S.C. § 982(a)(1) in which the United States gave notice of its intent to forfeit certain properties, namely:

Real Properties

- a. Real Property located and situated at **311 Joshua Way, San Antonio, Bexar County, Texas 78258**, with all buildings, appurtenances, and improvements thereon, and being more particularly described as follows: Lot 18, Block 5, New City Block 19217, CHAMPIONS RIDGE SUBDIVISION, UNIT 3A, PLANNED UNIT DEVELOPMENT, an addition to the City of San Antonio, Bexar County, Texas, according to map or plat thereof, recorded in Volume 9551, Page 101, Deed and Plat Records, Bexar County, Texas;

- b. Real Property located and situated at **18 Candlewood, Laredo, Webb County, Texas 78045¹**, with all buildings, appurtenances, and improvements thereon, and being more particularly described as follows: Lot 9, Block 1, Del Mar Hills, Section I, Area "B," a Subdivision in the City of Laredo, as per plat recorded in Volume 2, Page 178, Webb County Plat Records;
- c. Real Property located and situated at **8508 Callow Court, Webb County, Laredo, Texas 78045**, with all buildings, appurtenances, and improvements thereon, and being more particularly described as follows: The Surface Estate only in and to Lot 3, Block 1, Aspen Meadows Subdivision, a Subdivision Situated in the City of Laredo as per plat recorded in Volume 13, Page 25, Webb County Plat Records, Webb County, Texas;
- d. Real Property located and situated at **104 O'Meara Circle, Laredo, Webb County, Texas 78045**, with all buildings, appurtenances, and improvements thereon, and being more particularly described as follows: Lot 2, Block 2, Turnberry Subdivision, a Subdivision Situated in the City of Laredo, as per plat recorded in Volume 19, Page 69, Webb County Plat Records, Webb County, Texas; and
- e. Real Property located and situated at **4019 Linares Circle, Laredo, Webb County, Texas 78045**, with all buildings, appurtenances, and improvements thereon, and being more particularly described as follows: The Surface Estate only in and to Lot Ten (10), Block One (1), Winfield Subdivision, Phase 8, Situated in the City of Laredo, Webb County, Texas according to the plat thereof recorded in Volume 25, Pages 137-138, Plat Records of Webb County, Texas.

Personal Properties

- a. \$4,242,317.11, More or Less, Contained in LPL Financial Account Number: 1296882, in the name of Antonio Pena-Arguelles;
- b. \$582,966.29, More or Less, Contained in Falcon International Bank Account Number: 125000220, in the name of Antonio Pena-Arguelles;
- c. \$14,000.00, More or Less, Contained in Falcon International Bank Account Number: 0240524014, in the name of Antonio Pena-Arguelles;
- d. One 2011 Land Rover, Range Rover SC, VIN: SALMF1E41BA349997; and

¹ The United States has determined that it is no longer in its best interest to pursue the criminal forfeiture of Real Property located and situated at 18 Candlewood, Laredo, Webb County, Texas 78045 in the instant criminal case.

- e. One 2011 Ford F-150 Supercrew Lariat Limited Truck, VIN: 1FTFW1E63BFA72855,

hereinafter referred to as the Subject Real and Personal Properties.

Defendant ANTONIO PENA-ARGUELLES further agreed and stipulated that the facts set forth in the factual basis of his Plea Agreement established by a preponderance of the evidence the nexus between the Subject Real and Personal Properties, and the violations of Title 18 U.S.C. § 1956(h), by virtue of the Defendant's Plea Agreement with factual basis contained therein.

II.

On April 9, 2014, this Court entered a Preliminary Order of Forfeiture (Doc. 63), and pursuant to said order, the notice of forfeiture was posted on an official government internet website (www.forfeiture.gov) for at least thirty (30) consecutive days, beginning on April 16, 2014 and ending on May 15, 2014, as required by Fed. R. Crim. P. 32.2(b)(6)(C). The Declaration of Publication was filed on May 19, 2014 (Doc. 73).

III.

In addition to the publication of public notice, the following individuals or entities were served with notice of the instant criminal forfeiture action:

1. JPMorgan Chase Bank, c/o Karl Robinson, received service via UPS on April 18, 2014 (Doc. 68);
2. Bexar County Appraisal District received personal service of notice on July 25, 2014 (Doc. 79);
3. Bexar County Tax Assessor/Collector received personal service of notice on July 25, 2014 (Doc. 79);
4. Webb County Appraisal District received personal service of notice on June 11, 2014 (Doc. 77);
5. Webb County Tax Assessor/Collector received personal service of notice on June 11, 2014 (Doc. 77);

6. Sunset Vista Association, Inc., c/o Allen, Stein & Durbin, PC, received personal service of notice on July 25, 2014 (Doc. 79);
7. University Hospital, c/o Del Martinez, Senior Accounts Representative, Legal Services, received personal service of notice on July 23, 2014 (Doc. 79);
8. Armandina Rodriguez-Pena received personal service of notice on June 11, 2014 (Doc. 77);
9. Armandina Rodriguez-Pena, c/o Oscar Gonzalez, Trustee, received personal service of notice on July 25, 2014 (Doc. 79);
10. The Pena Irrevocable Family Remainder Trust, c/o Emilia Davila, Jr., Trustee, received personal service of notice on June 11, 2014 (Doc. 77);
11. International Bank of Commerce, c/o Registered Agent to Accept Legal Service, received personal service of notice on July 3, 2014 (Doc. 79);
12. Office of the Attorney General received personal service of notice on June 11, 2014 (Doc. 77);
13. Winfield Homeowners Association, Inc., received personal service of notice on July 24, 2014 (Doc. 79);
14. Champions Ridge Homeowners Association, Inc., c/o Tom L. Newton, Jr., received personal service of notice on July 25, 2014 (Doc. 79);
15. Laredo Medical Center received service via U.S. Certified Mail, Tracking No. 70011140000050550885 on August 15, 2014; and
16. Any and all other potential claimants have been adequately served with notice of the instant criminal forfeiture action on an official government internet website as stated above.

IV.

On May 9, 2014, Armandina Rodriguez Pena filed *Original Answer of Armandina Rodriguez Pena and Notice of Third Party Interest* regarding 311 Joshua Way, San Antonio, Bexar County, Texas 78258, 104 O'Meara Circle, Laredo, Webb County, Texas 78045, and 4019 Linares Circle, Laredo, Webb County, Texas 78045 (Doc. 70).

On May 12, 2014, the Bexar County, Texas Taxing Authorities filed *Petition of Bexar*

county, Texas., et al., for Adjudication of Interest in Property at 311 Joshua Way, San Antonio, TX (Doc. 71).

On May 15, 2014, JPMorgan Chase Bank, NA, filed *Third Party Petition of Interest in Property*, regarding the 2011 Land Rover, Range Rover SC, VIN: SALMF1E41BA349997 (Doc. 72).

On May 23, 2014, Armandina Rodriguez Pena filed *Supplemental Answer of Armandina Rodriguez Pena and Petition for Adjudication of Interest in Property* regarding 311 Joshua Way, San Antonio, Bexar County, Texas 78258, 104 O'Meara Circle, Laredo, Webb County, Texas 78045, and 4019 Linares Circle, Laredo, Webb County, Texas 78045 (Doc. 74).

On June 16, 2014, Armandina Rodriguez Pena filed *Second Supplemental Answer of Armandina Rodriguez Pena and Supplemental Petition for Adjudication of Interest in Property* regarding 311 Joshua Way, San Antonio, Bexar County, Texas 78258, 104 O'Meara Circle, Laredo, Webb County, Texas 78045, and 4019 Linares Circle, Laredo, Webb County, Texas 78045 (Doc. 76).

V.

On August 5, 2014, the United States of America and Petitioner Armandina Rodriguez Pena filed a *Joint Motion for Order Adopting Stipulation and Settlement Agreement and Hold Harmless Agreement* regarding 311 Joshua Way, San Antonio, Bexar County, Texas 78258, 104 O'Meara Circle, Laredo, Webb County, Texas 78045, and 4019 Linares Circle, Laredo, Webb County, Texas 78045 (Doc. 78). On August 7, 2014, the Court entered an *Order Adopting Stipulation and Settlement Agreement and Hold Harmless Agreement* (Doc. 80), wherein the parties agreed that 311 Joshua Way, San Antonio, Bexar County, Texas 78258 would be forfeited to the United States, and that 104 O'Meara Circle, Laredo, Webb County, Texas 78045, and 4019

Linares Circle, Laredo, Webb County, Texas 78045 would be released and returned to Petitioner Armandina Rodriguez Pena. Additionally, Petitioner Armandina Rodriguez Pena executed a *Withdrawal of Claims and Answers filed by Armandina Rodriguez Pena* (Doc. 81); therefore, the Claims and Answers (Docs. 70, 74, and 76) filed by Armandina Rodriguez Pena are moot.

Court records for the United States District Clerk's Office, San Antonio Division, reveal that no other petitions were filed in this cause by any third-party interests against the Subject Real and Personal Properties, save and except for the above-mentioned valid claims filed by the Bexar County, Texas Taxing Authorities, and JPMorgan Chase Bank, NA., and the time for filing any such petitions has expired.

VI.

On March 31, 2014, Defendant Antonio Pena-Arguelles was sentenced to be imprisoned for a term of thirty (30) months, and the Subject Real and Personal Properties are included in his Judgment in a Criminal Case (Doc. 59). Accordingly, this matter is ready for final disposition.

V.

The United States of America moves the Court to find that the United States of America has proven by a preponderance of the evidence the nexus between the Subject Real and Personal Properties and the violations of Title 18 U.S.C. § 1956(h), by virtue of the Defendants' Plea Agreement (Doc. 55) with factual basis contained therein.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of Defendant Antonio Pena-Arguelles in the Subject Real and Personal Properties be forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of Sunset Vista Association, Inc. in the Subject Real and Personal Properties be

held in default and forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of University Hospital in the Subject Real and Personal Properties be held in default and forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of Armandina Rodriguez Pena in the Subject Real and Personal Properties (save and except for 104 O'Meara Circle, Laredo, Webb County, Texas 78045, and 4019 Linares Circle, Laredo, Webb County, Texas 78045) be held in default and forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of The Pena Irrevocable Family Remainder Trust in the Subject Real and Personal Properties be held in default and forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of International Bank of Commerce in the Subject Real and Personal Properties be held in default and forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of the Office of the Attorney General in the Subject Real and Personal Properties be held in default and forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of Winfield Homeowners Association, Inc. in the Subject Real and Personal Properties be held in default and forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right,

title, and interest of Champions Ridge Homeowners Association, Inc. in the Subject Real and Personal Properties be held in default and forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of Laredo Medical Center in the Subject Real and Personal Properties be held in default and forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of any and all other potential petitioners in the Subject Real and Personal Properties (save and except for the valid interests of the Bexar County, Texas Taxing Authorities and JPMorgan Chase Bank, NA) be held in default and forfeited to the United States of America.

Plaintiff, United States of America, further moves this Court to order the United States Marshals Service, the Internal Revenue Service, or any designated agent, to dispose of the Subject Real and Personal Properties in accordance with law.

Plaintiff, United States of America, further moves this Court to order that upon disposal of the Subject Real and Personal Properties by the United States Marshals Service, the Internal Revenue Service, or any designated agent, the United States Marshals Service and the Internal Revenue Service shall be reimbursed for any costs and expenses regarding the seizure, maintenance, custody and control of the Subject Real and Properties from the proceeds realized from the sale and liquidation of the Subject Real and Personal Properties.

Plaintiff, United States of America, further moves this Court to order that from the proceeds realized from the sale and liquidation of the Subject Real Properties the United States Marshals Service shall pay to the Bexar County, Texas Taxing Authorities and to the Webb County, Texas Taxing Authorities any outstanding ad valorem taxes that may be due and owing on

the Subject Real Properties.

Plaintiff, United States of America, further moves this Court to order that from the proceeds realized from the sale and liquidation of the Subject Personal Properties, the Internal Revenue Service shall pay to JPMorgan Chase Bank, NA, any outstanding lien balance that may be due and owing on the 2011 Land Rover, Range Rover SC, VIN: SALMF1E41BA349997.

Plaintiff, United States of America, further moves this Court to order that all terms and provisions contained in this Court's Preliminary Order of Forfeiture (Doc. 63) entered on April 9, 2014, in so much as may be applicable and consistent with this Order, shall remain in full force and effect.

WHEREFORE, ALL PREMISES CONSIDERED, the United States of America moves this Honorable Court for the entry of a Final Judgment of Forfeiture.

Respectfully submitted,

ROBERT PITMAN
United States Attorney

By: /s/ _____
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Texas Bar No. 20421844

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2014, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participants:

Gerald Harris Goldstein
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Attorney for Petitioner JPMorgan Chase Bank, NA

/s/ _____
Mary Nelda G. Valadez
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
V.)	CRIMINAL NO. SA-12-CR-102-OG
)	
ANTONIO PENA-ARGUELLES,)	
)	
Defendant.)	

FINAL JUDGMENT OF FORFEITURE

Came on to be considered the United States of America's Motion for Final Judgment of Forfeiture, pursuant to the provisions of Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. §§ 853(n)(1-7), and this Court being fully and wholly apprised in all its premises, finds that the United States of America has proven by a preponderance of the evidence a nexus between the below-described Subject Real and Personal Properties, and the violations of Title 18 U.S.C. § 1956(h), by virtue of Defendant Antonio Pena-Arguelles' Plea Agreement with factual basis contained therein, and that said Defendant has an interest in said Subject Real and Personal Properties.

The Court finds that publication of public notice was properly executed; that all known potential petitioners have been properly served with notice of the instant forfeiture action, to include JPMorgan Chase Bank; Bexar County Appraisal District; Bexar County Tax Assessor/Collector; Webb County Appraisal District; Webb County Tax Assessor/Collector; Sunset Vista Association, Inc.; University Hospital; Armandina Rodriguez-Pena; The Pena Irrevocable Family Remainder Trust; International Bank of Commerce; Office of the Attorney General; Winfield Homeowners Association, Inc.; Champions Ridge Homeowners Association, Inc., and Laredo Medical Center, and that no petitions have been filed, save and except for those

of Bexar County, Texas Taxing Authorities and JPMorgan Chase Bank, NA. As such, Petitioner's Motion is meritorious and should be, and hereby is, in all things GRANTED. IT IS THEREFORE

ORDERED that any and all right, title, and interest of Defendant Antonio Pena-Arguelles in certain properties, namely:

Real Properties

- a. Real Property located and situated at **311 Joshua Way, San Antonio, Bexar County, Texas 78258**, with all buildings, appurtenances, and improvements thereon, and being more particularly described as follows: Lot 18, Block 5, New City Block 19217, CHAMPIONS RIDGE SUBDIVISION, UNIT 3A, PLANNED UNIT DEVELOPMENT, an addition to the City of San Antonio, Bexar County, Texas, according to map or plat thereof, recorded in Volume 9551, Page 101, Deed and Plat Records, Bexar County, Texas; and
- b. Real Property located and situated at **8508 Callow Court, Webb County, Laredo, Texas 78045**, with all buildings, appurtenances, and improvements thereon, and being more particularly described as follows: The Surface Estate only in and to Lot 3, Block 1, Aspen Meadows Subdivision, a Subdivision Situated in the City of Laredo as per plat recorded in Volume 13, Page 25, Webb County Plat Records, Webb County, Texas.

Personal Properties

- a. \$4,242,317.11, More or Less, Contained in LPL Financial Account Number: 1296882, in the name of Antonio Pena-Arguelles;
- b. \$582,966.29, More or Less, Contained in Falcon International Bank Account Number: 125000220, in the name of Antonio Pena-Arguelles;
- c. \$14,000.00, More or Less, Contained in Falcon International Bank Account Number: 0240524014, in the name of Antonio Pena-Arguelles;
- d. One 2011 Land Rover, Range Rover SC, VIN: SALMF1E41BA349997; and
- e. One 2011 Ford F-150 Supercrew Lariat Limited Truck, VIN: 1FTFW1E63BFA72855,

hereinafter referred to as the Subject Real and Personal Properties be, and hereby is, forfeited to the United States of America; and IT IS FURTHER

ORDERED that any and all right, title, and interest of Sunset Vista Association, Inc.; University Hospital; Armandina Rodriguez Pena in the Subject Real and Personal Properties (save and except for 104 O'Meara Circle, Laredo, Webb County, Texas 78045, and 4019 Linares Circle, Laredo, Webb County, Texas 78045); The Pena Irrevocable Family Remainder Trust; International Bank of Commerce; Office of the Attorney General; Winfield Homeowners Association, Inc.; Champions Ridge Homeowners Association, Inc.; and Laredo Medical Center in the Subject Real Properties be, and hereby is, held in default and forfeited to the United States of America; and IT IS FURTHER

ORDERED that any and all right, title, and interest of any and all potential petitioners in the Subject Real and Properties (save and except for the valid interests of Bexar County, Texas Taxing Authorities and JPMorgan Chase Bank, NA) be, and hereby is, held in default and forfeited to the United States of America; and IT IS FURTHER

ORDERED that the Subject Real and Personal Properties (save and except for 104 O'Meara Circle, Laredo, Webb County, Texas 78045, and 4019 Linares Circle, Laredo, Webb County, Texas 78045) be, and hereby are, forfeited to the United States of America; and IT IS FURTHER

ORDERED that the United States Marshals Service, the Internal Revenue Service, or any designated agent, shall dispose of the Subject Real and Personal Properties in accordance with law; and IT IS FURTHER

ORDERED that upon disposal of the Subject Real and Personal Properties by the United States Marshals Service, the Internal Revenue Service, or any designated agent, the United States Marshals Service and the Internal Revenue Service shall be reimbursed for any costs and expenses regarding the seizure, maintenance, custody and control of the Subject Real and Properties from the proceeds realized from the sale and liquidation of the Subject Real and

Personal Properties; and IT IS FURTHER

ORDERED that from the proceeds realized from the sale and liquidation of the Subject Real Properties the United States Marshals Service shall pay to the Bexar County, Texas Taxing Authorities and to the Webb County, Texas Taxing Authorities any outstanding ad valorem taxes that may be due and owing on the Subject Real Properties; and IT IS FURTHER

ORDERED that from the proceeds realized from the sale and liquidation of the Subject Personal Properties, the Internal Revenue Service shall pay to JPMorgan Chase Bank, NA, any outstanding lien balance that may be due and owing on the 2011 Land Rover, Range Rover SC, VIN: SALMF1E41BA349997; and IT IS FURTHER

ORDERED that all terms and provisions contained in this Court's Preliminary Order of Forfeiture (Doc. 63) entered on April 9, 2014, in so much as may be applicable and consistent with this Order, shall remain in full force and effect.

IT IS SO ORDERED.

SIGNED this _____ day of October, 2014.

ORLANDO L. GARCIA
United States District Judge